

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

977 MISC.CIVIL APPLICATION NO.213 OF 2022

**SNEHA AMOL JAGTAP
VERSUS
AMOL BANDU JAGTAP**

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Mr. V.M. Chate, Advocate for the applicant.
Mr. Abhijit More, Advocate for the respondent.

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 12.01.2023.

ORDER:-

1. Heard rival submissions. The applicant-wife is seeking transfer of HMP No. 43/2022 filed by respondent – husband for getting divorce, from the Court of learned Jt. Civil Judge (Senior Division), Shrigonda, District Ahmednagar to the Court of learned Civil Judge (Senior Division), Ambejogai, District Beed.

2. The learned Counsel for the applicant submits that the applicant is not having any independent source of income and she is having 3 years old son to look after. Though she has not filed any proceeding at Ambejogai, but considering the distance of 250 kms between Ambejogai and Shrigonda it would be inconvenient to her to attend the dates at Shrigonda.

3. On the contrary, the learned Counsel for the respondent strongly opposed the application on the ground that the applicant had in fact deserted him as she did not want to cohabit with him.

4. However, it is settled in so many judgments of this Court and Hon'ble Apex Court, that the convenience of wife is to be seen first. In the instant matter, the applicant wife is not having any independent source of income. Moreover, she is also maintaining son of 3 years without any financial assistance from the respondent – husband. Therefore, considering all these aspects, following order is passed.

ORDER

- (i) The application is allowed.
- (ii) HMP No. 43/2022 is hereby transferred from the Court of Jt. Civil Judge (Senior Division), Shrigonda to the Court of Civil Judge (Senior Division), Ambejogai for its disposal according to law.
- (iii) The respondent is directed to appear before learned Civil Judge (Senior Division), Ambejogai on or before 2nd February 2023.
- (iv) The application is accordingly disposed of.

(SANDIPKUMAR C. MORE, J.)